

APPENDIX C

Francis Greene

From: Carlo Sabatini [carlo@bankruptcypa.com]
Sent: Thursday, September 24, 2015 1:35 PM
To: Metcho, II, Ronald M.
Cc: Francis Greene
Subject: RE: Elaine v. Credit Control

I disagree. I told you that I was considering the call to be the Rule 37 conference and you did not object. I believe that your continuing with the phone call constitutes an implicit agreement that the call was the conference. Nevertheless, if you will consent to engage in another conference by 4:00 today then I would be happy to do so. Please advise.

If not, then we will just proceed with the motion and will indicate that I conducted the 37(f) conference. If you disagree, then you can file an opposition with the Court and can provide this email string as an exhibit. I doubt that the Court would appreciate your argument that you feel the Rule 37 conference wasn't conducted simply because you didn't say "I agree this is the Rule 37 conference."

It was a Rule 37 conference even if it had never been formally designated as such. The rules have no requirement for such a formal designation. What more could be discussed at a Rule 37 conference where the sole issue is that the defendant hasn't responded? The *only* thing that can be discussed at such a conference is: "when is the Defendant going to respond"? That is what we discussed. You have been giving me the same answer for a month now (that you are working on it), and have never committed to a date.

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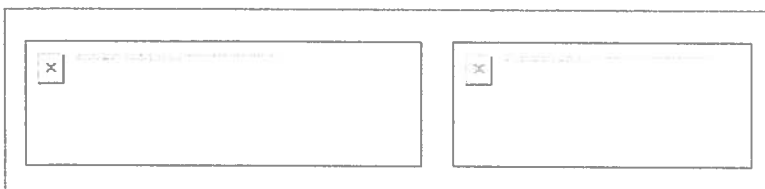
From: Metcho, II, Ronald M. [mailto:RMMetcho@MDWCG.com]
Sent: Thursday, September 24, 2015 2:25 PM
To: Carlo Sabatini <carlo@bankruptcypa.com>
Cc: Francis Greene <fgreene@edcombs.com>
Subject: RE: Elaine v. Credit Control

Carlo:

You can consider our conversation whatever you'd like, it does not mean that I consented to engaging in a conference pursuant to the Federal Rules.

I am working diligently with my client to provide you with our discovery responses. Your filing of a motion is both unfounded and premature.

Ron



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From: Carlo Sabatini [<mailto:carlo@bankruptcypa.com>]
Sent: Thursday, September 24, 2015 2:03 PM
To: Metcho, II, Ronald M.
Cc: Francis Greene
Subject: RE: Elaine v. Credit Control

Ron,

I told you on the phone that I was considering the phone call to be the Rule 37 conference. You did not object. I have made a number of inquiries to you starting on August 25th regarding the status of the discovery response. Each of those inquiries was met with a response along the lines of "I'm working on it and hope to have a response to you shortly." The last conversation before today was on September 21st when you told me that you were having a conference with your client *that day* to finalize the responses, and that you hoped to have them to me on that day. Nothing was received.

If you want to conduct a further Rule 37 conference, I'm available for the next two hours. I don't know what more we could discuss on the issue, because during our conversation today you were unable to commit to a date when your client would provide the response. If your client does wish to commit to such a date, then we would need it to be reduced to a stipulation filed with the court and approved by court order. If I don't hear from you by 4:00, then we will proceed with filing the motion.

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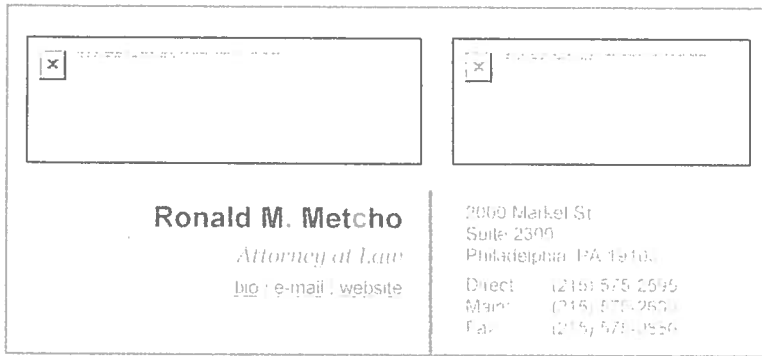
From: Metcho, II, Ronald M. [<mailto:RMMetcho@MDWCG.com>]
Sent: Thursday, September 24, 2015 1:42 PM
To: Carlo Sabatini <carlo@bankruptcypa.com>
Subject: RE: Elaine v. Credit Control

Carlo:

I did not consent to engaging in a Rule 37 conference regarding this matter. If you would like to conduct a Rule 37 conference, please let me know your availability.

I have no objection to Mr. Soule withdrawing as counsel in this matter.

Ron



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From: Carlo Sabatini [<mailto:carlo@bankruptcypa.com>]
Sent: Thursday, September 24, 2015 1:40 PM
To: Metcho, II, Ronald M.
Cc: Francis Greene
Subject: Elaine v. Credit Control

Ron,

Thanks for conducting the Rule 37 conference. I just tried calling you back because I meant to also ask whether you would concur with a motion to allow Tom Soule to withdraw as counsel (as he is no longer with Edelman Combs) and to have Francis Greene from Edelman Combs pro hac in. Please let us know. Thanks.

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